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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

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11-20-2012 aew

THOMAS G BRUTON
CLERK, U.S. DISTRICT COURTJOSEPH WILBORN
PLAINTIFF

- VS -

LOUIS SHICKER, DAVID EAIEY,
 WILLIAM JOHNSON, BENNETT, LLOYD,
 HENRY, STARKWEATHER, A. WALTER, REES,
 SORT TEAM DRIVERS, TACTTEAM, SHELBY DUNN
 LA KEISHA HAMBY, MARVIN POWERS, NIGEL VINYARD
 CHRISTOPHER PHEMISTER, GARY VANHOGBEKE,
 NIGEL PHELPS AND OTHER UNKNOWN STAFF, et al
 SUED IN THEIR INDIVIDUAL CAPACITY IN THIS ACTION

DEFENDANTS

12 C 9304

Judge Samuel Der-Yeghiayan
Magistrate Judge Young B. Kim

JURY TRIAL DEMANDED

COMPLAINT

THIS IS A 42 U.S.C 1983 CIVIL SUIT RIGHTS ACTION FILED BY A
 STATE PRISONER AGAINST STATE PRISON OFFICIALS

PARTIES

1) JOSEPH WILBORN IS AND AT ALL TIMES RELEVANT TO THIS
 COMPLAINT INCARCERATED AT

DEFENDANTS

2) LOUIS SHICKER

TITLE I DOC AGENCY MEDICAL DIRECTOR

EMPLOYMENT JAMES THOMPSON CENTER 100 W. RANDOLPH ST. CHICAGO, IL 60601

3) NAME DAVID EAIEY

TITLE CORRECTIONAL SERGEANT

EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

4) NAME WILLIAM JOHNSON

TITLE CORRECTIONAL OFFICER

EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

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5) NAME BENNETT
TITLE CORRECTIONAL OFFICER
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

6) NAME LLOYD
TITLE CORRECTIONAL OFFICER
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

7) NAME HENRY
TITLE CORRECTIONAL OFFICER
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

8) NAME STARKWEATHER
TITLE CORRECTIONAL OFFICER
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

9) NAME REES
TITLE MAJOR
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

10) NAME A. WALTER
TITLE NURSE RN
EMPLOYMENT MENARD CORR CTR. POBOX 1000 MENARD IL 62259

11) NAME UNKNOWN
TITLE TAMMS SORT TEAM DRIVERS
EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD TAMMS, IL 62988

12) NAME UNKNOWN
TITLE TAMMS TAC TEAM MEMBERS
EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

13) NAME SHELBY DUNL

TITLE NURSE RN

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

14) LAKEISHA HAMBY

TITLE NURSE RN

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

15) NAME MARVIN POWERS

TITLE MEDICAL DIRECTOR / DOCTOR

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

16) NAME NIGEL VINYARD

TITLE HEALTH CARE UNIT ADMINISTRATOR

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

17) NAME CHRISTOPHER PHEISTER

TITLE CORRECTIONAL OFFICER

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

18) NAME GARY VANHOGBEKE

TITLE CORRECTIONAL OFFICER

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

19) NAME NIGEL PHELPS

TITLE CORRECTIONAL OFFICER

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

20) NAME UNKNOWN

TITLE LIEUTENANT

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

21) NAME UNKNOWN

TITLE MAJOR

EMPLOYMENT TAMMS CORR CTR. 8500 SUPERMAX RD. TAMMS, IL 62988

JURISDICTION

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22) THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. 1983 THIS COURT HAS PROPER JURISDICTION OVER THE ACTION PURSUANT TO 28 U.S.C. 1331 AND 1343 (a)

COUNT ONE EXCESSIVE FORCE

23) ON INFORMATION AND BELIEF PLAINTIFF WAS SUBJECTED TO UNNECESSARY EXCESSIVE FORCE WHILE AT MENARD CORR CTR ON JULY 28TH 2011, WHEN I WAS WALKING OUT OF MY CELL #250 IN THE NORTH ONE CELL HOUSE JUST TRYING TO GO TO CHOW AND EAT DINNER WHEN DEFENDANT JOHNSON TOLD ME HE WASN'T LETTING ME GO TO CHOW AND WHEN I SAID WHY NOT TO DEFENDANT JOHNSON HE GRABBED MY NECK WITH HIS HANDS AND ONCE HE RELEASED THE HOLD, HIM AND DEFENDANTS BENNETT AND LLOYD ALL SLAMMED ME FACED DOWN ON THE FLOOR AND HANDCUFFED ME THEN WHILE I WAS LYING DOWN ON MY STOMACH DEFENDANT EAIEY AFTERWARDS CAME UP AND SPRAYED ME ALL IN THE FACE WITH MACE WHILE I WAS HANDCUFFED AND NOT RESISTING.

24) AFTER THAT UPON INFORMATION AND BELIEF DEFENDANT EAIEY TOOK OFF MY PANTS SHOES AND SOCKS BEFORE DRAGGING ME DOWN THE GALLERY TO THE BACK DOOR BY THE COLLAR OF MY SHIRT AROUND MY NECK, THEN DEFENDANTS EAIEY, LLOYD, BENNETT, ALL PUNCHED, KICKED, KILLED, CHOKE, STOMPED AND PUSHED ME HEAD AND FACE FIRST INTO WALLS, AND THREW TO THE FLOORS AND YANKED ME BACK UP BEATING MY ARMS UP BACKWARDS BEHIND ME ALL WHILE I WAS IN HANDCUFFS ALL THE WAY TO THE NORTH TWO CELL HOUSE UNIT BUILDING WHERE OTHER STAFF WAS WAITING WHO STARTED TO ATTACK ME DEFENDANTS STARKWEATHER AND HENRY AND OTHER UNKNOWN STAFF THAT PUNCHED, KICKED AND BEAT ME ALL TOGETHER, THEN DEFENDANT EAIEY SPRAYED ME AGAIN IN THE FACE WITH MACE AND SPIT ON ME, THEY ALL BEATED ME ON AND OFF FOR HOURS THAT SEEM LIKED FOREVER WHILE TELLING ME MY FACE IS FUCKED UP AND SAYING THIS HOW THEY BEAT DOWN NIGGERS AND ASKING ME HOW I LIKE IT, AND SAYING BLACK PEOPLE HAVE PUBIC HAIR ON THEIR HEAD AND LAUGHING MAKING RACES JOKES AND COMMENTS WHILE I WAS BEAT INSIDE A BULLPEN

25) THEY MALICIOUSLY ATTACKED ME, WHILE A UNKNOWN FEMALE AND OTHER STAFF WATCHED INCLUDING MAJOR DEFENDANT REES, WHO NEVER STOP THE ATTACK ON PLAINTIFF CAUSING ME GREAT PAIN THAT LEFT ME WITH A DISLOCATED SHOULDER, BUSTED FACE, SWOLLEN SHUT EYES, BRUISE TONGUE, A LUMP ON MY RIB CAGE, CUTS ON MY HEAD, BURNING FROM MACE , SWOLLEN CUT WRIST LEFT NUMB, BACK AND NECK PAINS, HEAD ACHES, BRUISED AND INJURED ANKLES AND FEET, THEY USED EXCESSIVE FORCE ON ME MALICIOUSLY AND SADISTICALLY TO CAUSE PLAINTIFF HARM IN VIOLATION OF THE 8 TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

COUNT TWO FAILURE TO INTERVENE

26) ON INFORMATION AND BELIEF DEFENDANTS REES , AND A UNKNOWN FEMALE OFFICER AND OTHER MALE OFFICERS STOOD NEAR MY ATTACK THAT I RECEIVED IN THE NORTH TWO CELL HOUSE BULL PEN HOLDING CELL WHERE I WAS BEAT, AND THEY ALL FAILED TO INTERVENE IN THE UNNECESSARY EXCESSIVE FORCE USED ON ME IGNORING MY REQUEST TO STOP THEM ALL NAMED DEFENDANTS IN COUNT ONE, VIOLATING PLAINTIFFS PROTECTED CONSTITUTIONAL RIGHTS AND FEDERAL RIGHTS UNDER THE 8 TH AND 14 TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

COUNT THREE INTENTIONAL DELIBERATE INDIFFERENCE

27) ON INFORMATION AND BELIEF, AFTER I WAS BEAT BY DEFENDANTS IN COUNT ONE, PLAINTIFF REPEATEDLY REQUESTED MEDICAL ATTENTION FOR MY PHYSICAL INJURIES INCLUDING MY DISLOCATED SHOULDER THAT WAS DEFORMED AND CLEARLY STICKING OUT MY SKIN WHERE THE BONE COULD BE EASILY SEEN, AND ALL THE DEFENDANTS EALEY, JOHNSON, BENNETT, LLOYD, HENRY, STARKWEATHER, REES,A FEMALE OFFICER AND OTHER UNKNOWN MALE OFFICERS TOLD ME TO GO TO HELL AND NOBODYS GIVING ME ANYTHING AND WHEN I ASKED THE NURSE DEFENDANT A. WALTERS TO DO SOMETHING ABOUT MY ARM/SHOULDER AND THE BURNING MACE SHE ONLY TOLD ME THAT SHE WASN'T GOING AGAINST HER STAFF AND I WAS NOT GETTING ANY MEDICAL TREATMENT AND WALKED OUT THE BULLPEN AREA.

28) ALL THE DEFENDANTS LEFT PLAINTIFF IN EXTREME PAIN AND NONE OF THE DEFENDANTS PROVIDED ME WITH ANY TYPE OF MEDICAL TREATMENT, BUT YET THEY ALL SAW MY SHOULDER STICKING OUT DEFORMED AFTER I WAS SUBJECTED TO THEIR BEAT DOWN THEY TOLD ME I WAS GOING TO TAMMS AND NOT A HOSPITAL. SHOWING MALICIOUS INTENTIONS TO DENY MEDICAL ATTENTION IN VIOLATION OF PLAINTIFFS PROTECTED FEDERAL CONSTITUTIONAL RIGHTS TO THE 8TH AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION. SEE EXHIBIT A

(COUNT FOUR RETALIATION)

29) ON INFORMATION AND BELIEF DEFENDANTS FALEY, JOHNSON, BENNETT, LIQUID, HENRY, STARWEATHER, REES AND OTHER UNKNOWN STAFF ALL TOLD ME THAT THEY WERE SENDING ME TO TAMMS WITH HOOKED UP DISCIPLINARY REPORTS AND SO I COULD NOT HAVE ACCESS TO ANY PHONE TO CALL MY FAMILY ABOUT WHAT THEY JUST DID TO ME IN COUNT ONE AND OUT OF RETALIATION THEY INDIVIDUALLY TOLD ME THIS WHAT I GET WHEN I COMPLAIN ABOUT GOING TO CHOW AT MEIARD OR VIOLATE ANY RULES FOR ANYTHING, AND THAT NOONE IS GOING TO BELIEVE ME WHEN I COMPLAIN ABOUT IT UPON MY TRANSFER TO TAMMS BECAUSE THEY HAVE FAMILY AND FRIENDS THAT THEY INTEND TO NOTIFY WHEN I ARRIVE AND TO FOLLOW UP ON IF PLAINTIFF FILES GRIEVANCES AT TAMMS, IN WHICH VIOLATES PLAINTIFFS PROTECTED FEDERAL CONSTITUTIONAL RIGHTS TO THE 1ST, 8TH AND 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

(COUNT FIVE: UNNECESSARY DELAY DELIBERATE INDIFFERENCE)

30) UPON INFORMATION AND BELIEF ABOUT 9 PM. ALL THE DEFENDANTS IN COUNTS ONE AND THREE ALL HAD ME IN A CELL WITH NO WATER OR ANYTHING TO WASH OFF THE MACE AND TWO TAMMS SORT DRIVERS ARRIVED AT MEIARD AND STRIP SEARCHED ME AND IMMEDIATELY NOTICED I COULDN'T RAISE MY RIGHT ARM/SHOULDER DURING THE SEARCH AND THEN SHACKLED AND CHAINED ME AND PUT ME IN A VAN.

- 31) PLAINTIFF REQUESTED TO BE TAKEN TO A HOSPITAL FOR HIS SHOULDER DISLOCATION BUT THE TWO OFFICERS DROVE ME TO TAMMS AS I WAS IN PAIN THE WHOLE RIDE TO TAMMS AND IGNORED ME AFTER THEY BOTH WITNESS THE SHOULDER DISLOCATION DURING THE STRIP SEARCH BOTH SORT TEAM DRIVER DEFENDANTS DID NOTHING. ON VIDEO CAMRA SEE EXHIBIT C
- 32) UPON INFORMATION AND BELIEF PLAINTIFF ARRIVED AT TAMMS ABOUT 11pm AND WAS IMMEDIATELY STRIP SEARCHED AGAIN BY THE DEFENDANTS WHO WERE ON TAMMS TAC TEAM ALSO IN THE PRESENCE OF DEFENDANTS NURSE DUNN AND NURSE HAMBY AND TWO UNKNOWN DEFENDANTS A MAJOR AND A LIEUTENANT THAT ALL VERIFIED MY SHOULDER WAS STICKING OUT DISLOCATED AND THAT I COULDNT MOVE IT OR RAISE IT UP FOR THE TAC TEAM INTAKE STRIP SEARCH, WHERE I INFORMED ALL THE DEFENDANTS THAT I NEED MEDICAL ATTENTION AND A DOCTOR BUT NOONE DID ANYTHING EXCEPT GIVE ME A MENTAL HEALTH SCREENING DESPITE ALL THE PAIN I WAS IN CAUSED BY A SERIOUS INJURY, ON VIDEO CAMRA, ALSO SEE EXHIBIT B.
- 33) ON INFORMATION AND BELIEF AFTERWARDS PLAINTIFF WAS PUT IN ANOTHER HOLDING CELL IN THE HEALTH CARE, AND ALL THE DEFENDANTS LEFT ME IN EXCRUCIATING PAIN AND THEY ALL LEFT TAMMS AND WENT HOME DOING NOTHING TO HELP MY CONDITION OR PAIN. AND DEFENDANT NURSE DUNN AT A LATER DATE TOLD PLAINTIFF HE Didn't RECEIVE ANY MEDICAL ATTENTION BECAUSE HE WAS ACCUSED OF A WRONG DOING AT MENARD AND TAMMS EMPLOYEES DONT PLAY OR TOLERATE THAT, ALL OF THESE DEFENDANTS DENIED ME TO MEDICAL TREATMENT IN VIOLATION OF THE 8TH AMENDMENT RIGHT TO MEDICAL TREATMENT AND THEIR ACTIONS CONSTITUTED DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED.

COUNT SIX: RETALIATION

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34) ON INFORMATION AND BELIEF WHILE WAS IN THE HEALTH CARE UNIT ON 7-29-11 BETWEEN 3 - 5AM I WALKED TO MY CELL DOOR AND ASKED DEFENDANT PHEMISTER WAS THE TWO STYROFOAM TRAYS WITH MILK AND JUICE ON TOP FOR ME AT BREAKFAST TIME HOURS, AND DEFENDANT PHEMISTER SAID YOU HAVE A TICKET ACCUSED OF ASSAULTING STAFF AT MCNARD AND PLAINTIFF SAID YEAH, THAT'S WHAT THEY SAY, THEN DEFENDANT PHEMISTER SAID WELL I AM DOWN BECAUSE YOU AINT EATING, AFTER ASKING FOR THE FOOD OVER AND OVER THE DEFENDANT JUST IGNORED AND TURNED OUT ALL OF THE HEALTH CARE UNIT LIGHTS, AND NEVER MADE AN ATTEMPT TO BRING ME THE TRAYS.

35) ON INFORMATION AND BELIEF ON SEVERAL MORE OCCASIONS DEFENDANT PHEMISTER DENIED PLAINTIFF MORE MEALS FOR FILING A GRIEVANCE FROM THE FIRST INCIDENT IN HEALTH CARE, INCLUDING ON 2-1-12 WHERE DEFENDANT PHEMISTER TOLD PLAINTIFF OUT TWO ON THE WINTER B-2 TELLING PLAINTIFF THE MORE GRIEVANCES THIS PLAINTIFF WRITES THE MORE MEALS THE DEFENDANT WILL TAKE AND COVER IT UP ALL IN VIOLATION OF PLAINTIFFS 1ST, 8TH, AND 14TH AMENDMENT PROTECTED BY THE FEDERAL CIVIL RIGHTS TO THE UNITED STATES CONSTITUTION.

COUNT SEVEN CONTINUING VIOLATIONS DELIBERATE INDIFFERENCE FOLLOW UP TREATMENT

36 ON INFORMATION AND BELIEF, DEFENDANTS IN COUNT ONE BEAT PLAINTIFF SO BADLY THAT THEY DISLOCATED MY SHOULDER/COLLAR BONE AND HAD MY SHOULDER BONE PROTRUDING UPWARD ABOUT TO TAKE THROUGH MY SKIN AND CAUSED MY SHOULDER AREA BONE TO CAUSE IN MY BACK BONE PARTIALLY COLLAPSING A LUNG AND HAS A BONE IN MY BACK BEHIND MY SHOULDER FLAT AND THE NERVES ACHIE AND JUMP WITH SHARP PAINS THAT TRAVEL BACK AND FORTH FROM MY SHOULDER TO MY BACK, AFFECTING MY DAILY ACTIVITIES LIFE NECESSITIES. AND THERE IS A PERMANENT INJURY PLAINTIFF SUFFERS FROM AFTER THE BEATING IN COUNT ONE WHERE THERE IS A HARD (LUMP) KNOT BETWEEN MY CHEST AND RIB CAGE THAT CAUSES ME EXTREME WHEN I LEAN OVER, OR SLEEP ON MY STOMACH, THE KNOT WILL NOT GO AWAY AND IT IS PAINFUL AND PLAINTIFF WAS TOLD BY DEFENDANT POWERS THAT IT WILL GO AWAY AND AFTER A YEAR LATER IT STILL HASN'T, AND DEFENDANT POWERS STILL IGNORES ALL THE PAIN ON MY RIB CAGE AREA, AND WON'T DO ANYTHING FOR IT OR ABOUT IT.

37) ON INFORMATION AND BELIEF PLAINTIFF WAS TAKEN TO AN OUTSIDE DOCTOR NAME JAFFE BURTON AT HEARTLAND REGIONAL MEDICAL CENTER ON JULY 29, 2011 WHO FIXED MY SHOULDER AND PUT IT IN A SLING AND SWATH AND WROTE MEDICAL ORDERS FOR FOLLOW UP TREATMENT FOR MY SHOULDER/ARM AND DEFENDANT POWERS, VINYARD, AND IDOC AGENCY MEDICAL DIRECTOR LOUIS SHICKER ARE INTENTIONALLY DENYING ME THIS TREATMENT AS DEFENDANT POWERS AND VINYARD REASONIS BECAUSE OF AN ADMINISTRATIVE BUDGET AND A INFORMAL POLICY THAT INMATES CAN NOT BE SENT OUT UNLESS IT IS LIFE THREATENING OR BROKEN BONES, AND BECAUSE I'VE BEEN WRITING GRIEVANCES AND PUBLIC OFFICIALS, DEFENDANT POWERS HAS EVEN WENT SO FAR AS TELLING ME "LET MOTHER NATURE WORK" AND THEN TELLING ME "HE CANT HELP ME BECAUSE HE'S NOT GOD" AND ANOTHER TIME TOLD ME STAY OUT OF ALTERCATIONS AND MY SHOULDER WOULDN'T GET DISLOCATED. THESE ARE STATEMENTS MADE BY POWERS ON, 8/17/11, 8/11 AND 6/26/12.

38) ON INFORMATION AND BELIEF DEFENDANT POWERS TOOK MY SLING ON 8-23-11, IN KNOWING THE DOCTOR TOLD ME TO HAVE IT FOR MY SHOULDER AT ALL TIMES, AND I TOLD DEFENDANT POWERS I NEEDED IT BUT HE STILL INTERFERED WITH THE DOCTOR'S ORDER.

39) DEFENDANT VINYARD HAS ALL MY MEDICAL RECORDS AND KNOWS THAT THE DOCTOR GAVE AN ORDER FOR FOLLOW UP TREATMENT TO BE SEEN BY AN SHOULDER SPECIALIST ORTHOPEDIST, IN WHICH MY SHOULDER AND ARM IS STILL CAUSING ME ACUTE PAIN AND SWELLS UP OVER NIGHT AND MANY NURSES HAVE DOCUMENTED THE SWELLINGS AND ABNORMAL APPEARANCES, AND EVEN DEFENDANT POWERS HAS SAID IT HIMSELF THAT IT WAS PUFFY AND PLAINTIFF HAS AN INTERNAL INJURY SEE EXHIBIT D

40) DEFENDANT POWERS AND VINYARD ARE DOWN PLAYING MY SERIOUS MEDICAL NEED AND HAVE AUTHORIZED MEDICAL STAFF TO FALSIFY MY MEDICAL RECORDS.

- 41) DEFENDANT SHICKER THE IDOC AGENCY MEDICAL DIRECTOR HAS READ THE MEDICAL ORDER GIVEN BY THE HOSPITAL PHYSICIAN JAFFE BURTON THAT STATE I WILL NEED TO BE SEEN BY AN ORTHOPEDIST, BUT YET IN STILL YOU HAVE DEFENDANT SHICKER TELLING TAMMS MEDICAL DIRECTOR DEFENDANT POWERS NOT TO SEND ME OUT FOR MY FOLLOW UP TREATMENT. SEE EXHIBIT E
- 42) DEFENDANT SHICKER IS INTENTIONALLY INTERFERING WITH PLAINTIFF COURSE OF TREATMENT. AND WHILE DOING SO PLAINTIFF IS SUFFERING GREAT PAIN FROM DAY TO DAY.
- 43) PLAINTIFF ASKED THE PHYSICIAN JAFFE BURTON WHAT CAN STOP PLAINTIFF FROM RECEIVING SUCH DISLOCATIONS AND THE PHYSICIAN TOLD ME SURGERY AND THAT IS THE ONLY LOGICAL AND REASONABLE SOLUTION FOR AN INTERNAL INJURY
- 44) DEFENDANT SHICKER, POWERS, AND VINYARD REFUSE TO ARRANGE FOR ME TO SEE A SHOULDER SPECIALIST ORTHOPEDIST SOMEONE WHO CAN DETERMINE WHY MY SHOULDER CONSTANTLY SWELLS UP, AND CAUSES ME PAIN WITH LIMITED MOTION, AND THE REASON WHY MY ARM POPS ON MOVEMENT
- 45) THE PHYSICIAN JAFFE BURTON HAS ALSO DOCUMENTED IN PLAINTIFFS DISCHARGE INSTRUCTIONS THAT THE TENDONS IN MY UPPER ARM FROM A PRIOR INJURY HAS CONTRIBUTED TO THE PAIN I'M IN. BECAUSE THOSE TENDONS ARE DAMAGED,
- 46) MEDICAL RECORDS SHOW I HAVE A SERIOUS INJURY THAT NEEDS A DOCTOR ASSISTANCE, THE LONGER IT TAKE TO BE TREATED THE WORSE IT WILL GET. IT'S NOT GETTING BETTER BY THE DAY, BUT WORSE, AN ORTHOPEDIST IS CAPABLE OF DETERMINING WHAT COURSE OF TREATMENT I NEED.
DEFENDANT SHICKER TOLD ME I ALREADY RECEIVE TREATMENT FOR MY SHOULDER HERE AT TAMMS, BUT THAT'S IMPOSSIBLE BECAUSE NO ORTHOPEDIST HAS EVALUATED MY SHOULDER AS THE MEDICAL ORDER SAID.

- 47) THE PAIN INSIDE PLAINTIFF SHOULDER IS NOT SMALL TIME IT TRAVELS TO THE RIGHT SIDE OF PLAINTIFFS BACK, AND WHEN PLAINTIFF MOVE HIS ARM HIS BACK HURT PLAINTIFF HAS TRIED TO GET MEDICAL ATTENTION FOR THIS SHOULDER INJURY SINCE JULY 29, 2011.
- 48) DEFENDANT POWERS TOOK PLAINTIFF SLING, AND REFUSE TO GIVE PLAINTIFF A INFRONT CUFFING PERMIT, WHERE THIS CAUSES PAIN WHERE PLAINTIFF HAS TO STICK HIS ARMS OUT THE CHUCK HOLE TO CUFF UP BACKWARDS ON ALL PRISON MOVEMENT,
- 49) DEFENDANT POWERS WONT GIVE PLAINTIFF MUSCLE RELAXERS OR AN EXTRA PILLOW OR MATTRESS AND TOOK PLAINTIFF SLING DESPITE THE OUTSIDE DOCTOR MEDICAL ORDER.
- 50) DEFENDANT POWERS TOLD PLAINTIFF ON JUNE 26, 2012 DO TO TAMMIS POSSIBLE CLOUTIER I WILL HAVE TO GET TREATMENT AT MY NEXT FACILITY AND VERIFIED MY SHOULDER SWELLING BUT TOLD ME HES NOT GOD.
- 51) DEFENDANT SHICKER, POWERS, AND VINYARD ARE ALL FULLY AWARE THAT THE JUMP BETWEEN MY CHEST AND RIBS CAUSES SEVERE PAIN AND GREAT DIFFICULTY IN LIFE, AND THAT THE MEDICAL ORDER SAID I SHALL RECEIVE OUT PATIENT THERAPY SERVICES STILL TO THIS DAY XONE OF THESE MEDICAL ORDERS BEEN APPLIED WHICH IS A COMPLETE DENIAL OF MEDICAL CARE BY THE DEFENDANTS SHICKER, POWERS AND VINYARD CAUSING PLAINTIFF NOT ONE BUT TWO PERMANENT INJURIES AND THE OUTSIDE SPECIALIST JAFFE BURTON PLAINTIFF WAS SEEN BY LAST YR ON JULY 29 2011 RECOMMENDED IN HIS DISCHARGE SPECIAL INSTRUCTIONS FOLLOW UP TREATMENT THERAPY FOR THE JUMP OF SEVERE PAIN ON THE RIB, AND FOR PLAINTIFF TO BE SEEN BY AN ORTHOPEDIST SPECIALIST AND BY THE DEFENDANTS INTERFERING WITH THOSE PRESCRIBED TREATMENTS, PLAINTIFF IS BEING DEPRIVED OF HIS PROTECTED FEDERAL CONSTITUTIONAL RIGHTS TO THE 8TH AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

(COUNT EIGHT RETALIATION)

52) UPON INFORMATION AND BELIEF ON SEPT. 24, 2011 I RECEIVED MY PERSONAL PROPERTY FROM MY TRANSFER FROM MENIARD CORR CTR ON JULY 28 2011 AND I IMMEDIATELY NOTICED MY EYE GLASSES AND MANUSCRIPTS WERE MISSING THAT WAS INVENTORIED AT MENIARD ON JULY 30 2011 WITH MAIL/LETTERS, PERSONAL PAPERS, LEGAL TABLET ETC, WHERE MY MANUSCRIPTS WERE WRITTEN ON AND IN ENVELOPES WITH MAIL THE MANILLA.

53) UPON INFORMATION AND BELIEF I ASKED TAMMS PERSONAL PROPERTY OFFICER DEFENDANT VANHOOREBEKE A FEW TIMES WHAT HAPPENED TO MY GLASSES, OTHER PROPERTY AND MANUSCRIPTS AND HE TOLD PLAINTIFF THE SAME STORY AND RECENTLY ON 2/20/12 AND 9/7/12 WHILE AT LAW LIBRARY THAT SINCE YOU WANT TO FIGHT MY FRIEND/FRIENDS AT MENIARD I FELT I WAS OBLIGATED TO TAKE YOUR HAND WRITTEN MANUSCRIPTS AS A TOKEN OF GET BACK WITH YOUR GLASSES AND THINGS, AND IF YOU FILE A GRIEVANCE NOONE IS GOING TO SAY ANYTHING BUT I PROMISE YOU I WILL CONTINUE TO FUCK OVER YOUR MAIL AND PROPERTY COMING IN FOR YOU AND EVERYTHING ELSE FOR MY FRIENDS AT MENIARD I TOLD DEFENDANT VANHOOREBEKE I DONT KNOW WHAT HE TALKING ABOUT.

54) DEFENDANT VANHOOREBEKE WAS TALKING ABOUT THE DEFENDANTS WHO BEAT ME UP AND WROTE FAKE DISCIPLINARY REPORTS ON PLAINTIFF, THE ACTIONS OF DEFENDANT VANHOOREBEKE VIOLATED PLAINTIFFS PROTECTED FEDERAL CONSTITUTIONAL RIGHTS TO THE 1ST, 8TH AND 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

(COUNT NINE : RETALIATION)

55) UPON INFORMATION AND BELIEF ON 8/25/11 DEFENDANT PHELPS PUT HANDCUFFS ON PLAINTIFF EXCESSIVELY TIGHT CUTTING OFF MY BLOOD CIRCULATION DURING A SICK CALL BLOOD TEST AT THE NURSE STATION TO THE POINT WHERE NURSE RHONDA ~~MEDICAL~~ COMPLAINED WITH ME BECAUSE SHE COULD NOT DRAW MY BLOOD .

56) DEFENDANT PHELPS RAM SHACK MY CELL DURING A SHAKE DOWN THROWING MY BED SHEETS, LEGAL DOCUMENTS, CLOTHES AND OTHER PROPERTY ALL OVER THE CELL AND TOOK MY PEN.

- 57) ON INFORMATION AND BELIEF on OCT, 9, 2011 DEFENDANT PHELPS REFUSED TO GIVE PLAINTIFF HIS REQUESTED READING MATERIALS WHEN LIBRARY BOOKS WERE PASSED OUT. DEFENDANT PHELPS TOOK PLAINTIFF'S READING MATERIALS BACK OFF THE WING ON E-1 POD.
- 58) ON OCT 19, 2011 DEFENDANT PHELPS DESTROY PLAINTIFF CELL AGAIN WHILE PLAINTIFF WAS AT THE BARBERSHOP, AND ON OCT, 26 2011 THREW PLAINTIFF LEGAL DOCUMENTS OFF THE TOP GALLERY TO THE FLOOR, AFTERWARDS OCT, 27 2011 DEFENDANT PHELPS THEN PURPOSELY SLAMMED PLAINTIFF'S HAND IN THE (CHUCK HOLE) FOOD SLOT AND WROTE PLAINTIFF A FALSE FABRICATED DISCIPLINARY REPORT TO KEEP PLAINTIFF ON THE ELEVATED SECURITY WING DEFENDANT PHELPS HAS TOLD PLAINTIFF THAT HE DOES THESE THINGS BECAUSE OF THE GRIEVANCES I FILED AND BECAUSE OF ALLEGED STAFF ASSAULTS AT MENARD, DEFENDANT PHELPS THREATENED TO BRAME PLAINTIFF'S SHOULDER AND CANT WAIT HE EXPLAINED ON JAN, 12TH 2012, DEFENDANT PHELPS WROTE PLAINTIFF A FALSE DISCIPLINARY REPORT ON THE SAME DAY HE RESPONDED TO PLAINTIFF'S GRIEVANCE 10, 27.11 ON 4-7-12 DEFENDANT PHELPS TOOK FOOD OFF PLAINTIFF TRAY AND SAID YALL WILL LEARN ABOUT FILING GRIEVANCES.
- 59) PLAINTIFF HAS RECEIVED AND EXPERIENCED RETALIATION FROM DEFENDANT PHELPS AND OTHER STAFF WHILE AT TAMMS CORR CTR. FOR FILING GRIEVANCES AND COMPLAINING ALL IN VIOLATION OF PLAINTIFF'S PROTECTED FEDERAL CONSTITUTIONAL RIGHTS TO THE 1ST AND 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

- 60) PLAINTIFF FILED GRIEVANCES WHILE INCARCERATED AT TAMMS CORR CTR. RELATING TO ALL COUNTS IN THIS COMPLAINT. PLAINTIFF FORWARDED HIS GRIEVANCES TO THE GRIEVANCE LIAISON, THE WARDEN AND DEPARTMENT OF CORRECTIONS OFFICIALS, ARB APPEAL BOARD OFFICE IN SPRINGFIELD ILLINOIS, ALL OFFICIALS DENIED PLAINTIFF'S GRIEVANCES ON THE MERITS.

COUNT ONE: VIOLATION OF 42 U.S.C 1983: EXCESSIVE FORCE 14

- 61) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE
- 62) AS A INMATE IN THE CUSTODY OF THE ILLINOIS DEPARTMENT OF CORRECTIONS, PLAINTIFF HAS A RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION, DEFENDANTS FAHEY, JOHNSON, BENNETT LLOYD, HENRY, STARKWEATHER USED EXCESSIVE FORCE ON PLAINTIFF AS DESCRIBED IN COUNT ONE.
- 63) THE ACTIONS OF DEFENDANTS IN COUNT ONE CAUSE PLAINTIFF INFILCTION OF UNWANTON AND UNNECESSARY PAIN AND SUFFERING THAT VIOLATES THE 8TH AMENDMENT TO THE U.S. CONSTITUTION
- 64) AS A DIRECT RESULT OF ALL DEFENDANTS NAMED HEREIN AND UNKNOWN BY REFERENCE HAS INTENTIONALLY DEPRIVED PLAINTIFF OF HIS PROTECTED FEDERAL CIVIL RIGHTS UNDER THE 8TH AMENDMENT CONSTITUTED EXCESSIVE FORCE PLAINTIFF SUFFERED HARM AND THEREFORE IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C 1983.

COUNT TWO: VIOLATION OF 42 U.S.C 1983: FAILURE TO INTERVENE

- 65) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED BY REFERENCE HEREIN
- 66) DEFENDANT REES AND OTHERS UNKNOWN WAS WELL AWARE OF THE EXCESSIVE FORCE CITED IN COUNT ONE ON THE PLAINTIFF AND STOOD BY AND FAILED TO INTERVENE OR FAILED TO DO ANYTHING TO STOP THE ACTIONS IN COUNT ONE.
- 67) AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS ACTION OR INACTION HEREIN HAS INTENTIONALLY DEPRIVED PLAINTIFF OF HIS 8TH AND 14TH AMENDMENT PROTECTED FEDERAL CIVIL RIGHTS, PLAINTIFF SUFFERED HARM AND IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C. 1983.

COUNT THREE: INTENTIONAL DELIBERATE INDIFFERENCE VIOLATION OF 42 U.S.C 1983

- 68) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE
- 69) AS A INMATE IN THE CUSTODY OF THE ILLINOIS DEPARTMENT OF CORRECTIONS PLAINTIFF HAS A RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

70) ALL THE DEFENDANTS IN COUNT ONE WERE ALL ASKED TO CORRECT PLAINTIFFS MEDICAL PROBLEMS AND HOWEVER ALL THE DEFENDANTS CONTINUED TO REFUSE TO TREAT ME, INCLUDING THE DEFENDANTS IN COUNTS ONE AND TWO AND THREE.

7) AS A DIRECT AND PROXIMATE RESULT OF SAID DEFENDANTS DEPRIVATION OF PLAINTIFFS 8TH AMENDMENT RIGHTS, PLAINTIFF SUFFERED HARM AND THEREFORE IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C. 1983.

(COUNT FOUR; VIOLATION OF 42 U.S.C 1983; RETALIATION)

72) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE

73) PLAINTIFF WAS ACCUSED OF BREAKING RULES AND SPEAKING UP FOR HIS RIGHTS TO EAT CHOW AND ALL THE DEFENDANTS IN COUNTS ONE AND TWO UNDERTOOK THE UNLAWFUL CONDUCT DESCRIBED IN FACT EACH DEFENDANT IN COUNTS ONE AND TWO TOLD THE PLAINTIFF THAT WAS THEIR REASONS FOR THEIR ACTIONS AND TO SEND PLAINTIFF TO ANOTHER FACILITY TO BE DENIED ACCESS TO (CONTACT) CALL FAMILY WITH FABRICATED DISCIPLINARY REPORTS WITH FAMILY AND FRIENDS TO FOLLOW UP.

74) AS A DIRECT RESULT AND APPROXIMATE RESULT OF DEFENDANTS DEPRIVATION OF PLAINTIFFS 1ST, 8TH AND 14TH AMENDMENT RIGHTS, PLAINTIFF SUFFERED HARM AND IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C 1983.

COUNT FIVE; VIOLATION OF 42 U.S.C 1983 UNNECESSARY DELAY DELIBERATE INDIFERENCE

75) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE

76) AS AN INMATE IN CUSTODY OF THE ILLINOIS DEPARTMENT OF CORRECTIONS IDOC, PLAINTIFF HAS A RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE U.S. CONSTITUTION.

77) THE ACTIONS OF DEFENDANTS IN COUNTS ONE, TWO, THREE ~~AND~~ FORCE PLAINTIFF TO ENDURE IN OVER APPROXIMATELY (20) TWENTY HOURS OF EXCRUCIATING PAIN AND SEEING PLAINTIFF ARM WAS DEFORMED, ABNORMAL AND STICKING THE BONE OUT WITHOUT PROVIDING ANY MEDICAL CARE SUBJECTED PLAINTIFF TO UNNECESSARY UNWANTON AND INFILCTION OF PAIN AND SUFFERING.

78) AS A DIRECT RESULT AND APPROXIMATE RESULT OF DEFENDANTS ACTIONS ~~IN~~ COUNT FIVE DEPRIVING PLAINTIFF OF HIS PROTECTED FEDERAL CIVIL RIGHTS UNDER THE 8TH AMENDMENT, PLAINTIFF WENT FROM 4 PM ONE DAY TO 12 PM THE NEXT DAY WITH NO MEDICAL ATTENTION, PLAINTIFF SUFFERED HARM AND PERMANENT INJURIES AND THEREFORE IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C 1983.

(COUNT SIX: VIOLATION OF 42 U.S.C 1983 RETALIATION)

- 79) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE
 80) AS PLAINTIFF WAS ACCUSED OF BREAKING RULES AND COMPLAINING ABOUT HIS CONDITIONS AT MENARD CONCERNING CHOW, DEFENDANT PHEMISTER UNDERTOOK THE UNLAWFUL CONDUCT AND GAVE HIS REASON FOR NOT GIVING PLAINTIFF HIS NEXT MEAL WHICH DEFENDANT DEPRIVED PLAINTIFF HIS FOOD FROM BEHIND A STEEL DOOR MAKING IT EASY BECAUSE THE PLAINTIFF WAS ALONE WITH THE DEFENDANT WHERE DEFENDANT PHEMISTER ADMITTED PLAINTIFF DIDN'T GET TO EAT UPON HIS ARRIVAL TO TAMMS, AND WHERE THE DEFENDANT KEPT NOT GIVING PLAINTIFF HIS MEALS FOR GRIEVANCES
- 81) AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS ACTIONS DESCRIBED IN COUNT SIX AND AS AN INMATE IN CUSTODY OF ILLINOIS DEPARTMENT OF CORRECTIONS PLAINTIFF WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH, AND 14TH AMENDMENTS OF THE FEDERAL CIVIL RIGHTS UNDER THE U.S CONSTITUTION.

(COUNT SEVEN: VIOLATION OF 42 U.S.C 1983 CONTINUING VIOLATION DELIBERATE INDIFERRENCE FOLLOW UP TREATMENT)

- 82) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE.
- 83) AS A INMATE IN THE CUSTODY OF THE ILLINOIS DEPARTMENT OF CORRECTIONS, PLAINTIFF HAS A RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION.
- 84) DEFENDANTS SHICKER, POWERS AND VINYARD ALL WERE AWARE OF MY MEDICAL PROBLEMS AND DID NOTHING TO CORRECT IT AND HAS CONTINUED TO DENY PROPER RECOMMENDED FOLLOW UP TREAT BOTH FOR MY SHOULDER AND RIB CAGE, CAUSING MY PERMANENT INJURIES AND DISFIGUREMENT.
- 85) AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS DEPRIVATION OF PLAINTIFFS 8TH AMENDMENT RIGHTS, PLAINTIFF IS AND HAS SUFFERED IRREPARABLE HARM AND IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES AND MEDICAL TREATMENT UNDER 42 U.S.C 1983.

COUNT EIGHT VIOLATION OF 42 U.S.C 1983 RETALIATION

17

86) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE

87) IN RELATION TO THE INCIDENT IN COUNT ONE WITH PLAINTIFF, DEFENDANT VANHOORBEKE UNDERTOOK UNLAWFUL CONDUCT DESCRIBED IN COUNT EIGHT, IN FACT DEFENDANT SPECIFICALLY TOLD ME THAT HE WAS DOING HIS ACTIONS FOR HIS FRIENDS IN COUNT ONE AND FOR GRIEVANCES

88) AS A DIRECT AND APPROXIMATE RESULT OF DEFENDANT DEPRIVATION OF PLAINTIFFS 1ST, 8TH AND 14TH AMENDMENT RIGHTS, PLAINTIFF SUFFERED HARM AND IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C 1983

COUNT NINE; VIOLATION OF 42 U.S.C 1983 RETALIATION

89) THE ALLEGATIONS OF PARAGRAPHS 1 TO 60 ARE INCORPORATED HEREIN BY REFERENCE

90) IN RELATION TO THE INCIDENT IN COUNT ONE WITH PLAINTIFF, DEFENDANT PHELPS UNDERTOOK UNLAWFUL CONDUCT DESCRIBED IN COUNT NINE WHERE DEFENDANT PHELPS TOLD PLAINTIFF ON OCT, 26, 2011 THAT HIS TRANSFER ALLEGATIONS FROM MENARD AND THE GRIEVANCES PLAINTIFF FILED ON THE DEFENDANTS IN COUNT ONE AND TWO AND GRIEVANCES FILED ON DEFENDANT PHELPS IS WHY DEFENDANT PHELPS SLAMMED PLAINTIFF HAND IN THE FOOD SLOT PASSAGE AND DONE OTHER BAD ACTS UPON PLAINTIFF.

91) AS A DIRECT AND APPROXIMATE RESULT OF BEING DEPRIVED OF MY PROTECTED FEDERAL CIVIL RIGHTS UNDER THE 1ST, 8TH AND 14TH AMENDMENT RIGHTS, PLAINTIFF HAS SOFFERED HARM AND IS ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES UNDER 42 U.S.C 1983,

PRAYER FOR RELIEF

18

WHEREFORE, JOSEPH WILBORN REQUEST THAT THIS COURT GRANT THE FOLLOWING RELIEF, JOINTLY AND SEVERALLY AGAINST ALL NAMED DEFENDANTS.

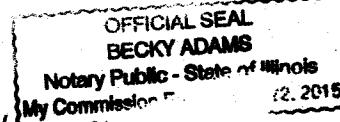
- (A) BE GIVEN A CHANCE TO BE MEDICALLY EVALUATED BY A SHOULDER SPECIALIST ORTHOPEDIC FOR MEDICAL TREATMENT FOR MY SHOULDER.
- (B) BE GIVEN A CHANCE TO BE MEDICALLY EVALUATED BY A PHYSICIAN FOR THE LUMP ON MY RIGHT RIB CAGE.
- (C) DECLARE THAT THE POLICIES, PRACTICES AND ACTS COMPLAINED OF ARE ILLEGAL AND UNCONSTITUTIONAL.
- (D) AWARD COMPENSATORY DAMAGES FROM ALL DEFENDANTS JOINTLY AND SEVERALLY IN AN AMOUNT TO BE DETERMINED BY THE FACT FINDER AT TRIAL.
- (E) AWARD PUNITIVE DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT JOINTLY AND SEVERALLY TO BE DETERMINED BY THE FACT FINDER AT TRIAL.
- (F) AWARD REASONABLE ATTORNEY FEES, COST, AND EXPENSES PURSUANT TO 42 U.S.C 1988
- (G) AWARD PLAINTIFF TO BE RELEASED FROM TAMMS AND BE PLACED BACK IN GENERAL POPULATION
- (H) AWARD ANY OTHER RELIEF THIS COURT FINDS TO BE JUST PROPER AND APPROPRIATE TOWARDS THE ALLEGATIONS IN THE COMPLAINT AGAINST ALL DEFENDANTS.

EXECUTED ON October 8, 2012

SIGN SUBSCRIBED AND SWORN TO BY

CERTIFICATION PROVISIONS OF 735 ILCS

5/1-109 (WEST LAW 2012)



RESPECTFULLY SUBMITTED

Joseph Wilborn

JOSEPH WILBORN R17937

TAMMS CORR CTR

8500 SUPERMAX ROAD

TAMMS, IL 62488

Exhibit 35
A

AFFIDAVIT

Judson from #11-00994

being first duly sworn upon my oath deposes and states that the following matters are both true and correct made upon personal knowledge and belief, and if called as a witness, I am competent to testify thereto:

I was in North 2 Cellhouse at Menard CC on July 28th 2011 on 3-11 shift. I seen SGT Ealey walking a inmate. The inmate was beat up, he was asking the SGT to be taken to medical that his shoulder was dislocated. SGT Ealey and Clos with him, only laughed at the inmate and made racist comments towards him. Saying something like, only thing you got soaring is a f*** to Tamms. The inmate was real beat up, face swollen, eyes swollen shut. The inmate kept asking to go to medical, that he was hurting. I didn't know the inmate at the time, wasn't until later I found out it was Wilson. I stopped SGT Ealey at my cell door & ask what happen to ole boy, he stated we had to whip that Niggers ass.

October 18, 2012
Becky Adams

Judson from #11-00994

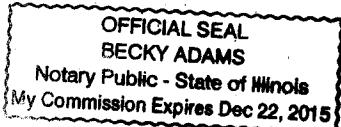


Exhibit
B

40

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Health Status Transfer Summary

Transferring Facility:

Menard Corr. center

Date: 7/28/11

Time: 7

a.m. / p.m.

Offender Information:

Wilbourn

Last Name

Joseph

First Name

M

ID#: R19937

Transfer Screening (completed by transferring facility health care staff): HIV Test & Counseling Offered (only transfers to ATC, parole, release or discharge)

Allergies: PCN

Food Handler Approved:

Current / Acute Conditions / Problems: 3/p alliteration

Chronic Conditions / Problems:

Current Medications (name, dosage, frequency, and duration):

Acute Short-term:

Chronic Long-term:

Chronic Psychotropic:

Current Treatments:

Therapeutic Diet:

Follow-Up Care:

RHC

Clinical Clinics:

Specialty Referrals:

Significant Medical History: AX of dislocated shoulder, HTA's

Physical Disabilities / Limitations: ↓ visual acuity

Assistive Devices / Prosthetics:

Mental Health Issues: Hx Suicide Attempt Date: / / Hx Psych Med Hx MPC / STC Substance Abuse: Alcohol Drugs

A.Walter

Print Name and Title

A.Walter

Signature

7/28/11

Date

Reception Screening (completed by receiving facility health care staff):

Tammis C-MAX

Date: 7/28/11

Time:

11:05

a.m.

p.m.

Current Complaint: Rt. shoulder discomfort

Assessment:

new intake

Current Medications/Treatment: no current meds.

Plan/Disposition:

- Health Information Given Emergency Referral: _____
- Sick Call: Urgent / Routine Therapeutic Diet Special Housing Chronic Clinics
- Medication Evaluation Work / Program Limitation Specialty Referrals Other (specify): MDSC line
- Infirmary Placement: Security placement
- HIV Test & Counseling Offered (only transfers from R&C) Other (specify):

Objective:

Physical Appearance/Behavior: multiple bruising-torso, both shoulders, D.L. eyes, bruising

Abrasion to neck, laceration above L. eye

Deformities: Acute/Chronic: Abnormal appearance

Rt. shoulder (S/P dislocated)

T: 98.9 P: 92 R: 18 B/P: 140 / 92

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Outpatient Progress Notes

TAMMS CORRECTIONAL Center

Exhibit C

Offender Information:

Wilbourne

Last Name

Joseph

First Name

MI: ID# R17937

Date/Time	Subjective, Objective, Assessment	Plans
29 July 10	110 Note,	
930 AM	New arrival over-night from Menard CC after an altercation. Is alert & oriented, wearing long shorts. Favoring RUE & right shoulder mildly deformed suggestive of an anterior dislocation, unable to clasp hand over head. Hand is cold, skin & nail blanch & pruritic and rapidly pink-up after grad RUE hand grip. Has history of RUE joint dislocating & reducing spontaneously. Has & cap in chart of RUE dislocation from April 2011.	(1) Sphincteroplasty Heartland Regional ER & going there for x-ray assessment & any reduction of RUE.
	Also tender right anterolateral rib cage to A-P compression but not lateral compression. DD swollen short & congealed hematuria. OS nodules less and look PERRL, E.O.M intact and fundoscopic normal bilaterally. Tongue tip has mild hemostasis. Eyes normal & TM's normal. Good gait.	Noted Cleft lip 7/29/11

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Outpatient Progress Notes

TAMMS CORRECTIONAL Center

Offender Information:

Welbarsa Joseph MI ID# R 17934
Last Name First Name MI ID#

FOR THE

UNITED STATES DISTRICT COURT
DISTRICT OF ILLINOIS

36

plaintiff,

vs.

defendants

) et al.)

STATE OF ILLINOIS

COUNTY OF ALTONWOOD

) SS;

AFFIDAVIT

CIVIL ACTION NO.

Exhibit D

I, Donnie Danito, being first duly sworn upon my oath depose and state that the following matters are both true and correct made upon my personal knowledge and belief, and if called as witness, I am competent to testify thereto;

ON TUESDAY JUN 26 2012 I OBSERVED DR. MARVIN PAVERS WALKING UP THE STAIRS ON B-2 WING BEHIND MR. WILBURN UNIFORM WAS BEING ESCORTED BACK TO HIS CELL B-2-6 BY YOT. JACKSON AND YO J. PATERSON.

UPON THE OFFICERS SECURING MR. WILBURN IN HIS CELL I THEN HEARD DR. PAVERS SAY "LET ME SEE YOUR SHOULDER, YEAH I CAN SEE THE SWOLLEN-PUFFINESS IN YOUR SHOULDER BUT THERE'S NOTHING I CAN DO ABOUT IT, YOU HAVE AN INTERNAL INJURY MR. WILBURN" AND WALKED DOWN THE WING PASSING MY CELL B-2-10 AND THEN I HEARD MR. WILBURN YELL OUT TO DR. PAVERS STATING, "YOU'RE MY DOCTOR, AND YOU'RE NOT GOING TO DO ANYTHING" THEN ALLOW ME TO SEE AN OUTSIDE SHOULDER SPECIALIST DR. PAVERS?" DR. PAVERS STOPPED AT THE TOP OF THE STAIRS LOOKING TOWARDS MR. WILBURN CELL B-2-6 AND STATED, "YEAH I'M YOUR DOCTOR BUT I'M NOT GOD, I'M NOT MASSING WITH YOUR SHOULDER MR. WILBURN I WILL THINK ABOUT YOUR REQUEST TO SEND YOU TO THIS SPECIALIST AGAIN IF THIS FACILITY DOESN'T CLOSE OTHERWISE YOU CAN TAKE IT UP WITH YOUR NEW DOCTOR AT PONTIAC, MOUNTAIN OR STATIONVILLE," AS DR. PAVERS STARTED WALKING DOWN THE STAIRS SHAKING HIS HEAD.

THIS THIS STATEMENT IS TRUE AND CORRECT IN SUBSTANCE AND FACT TO THE

Exhibit D -

37

BEST OF MY FIRST HAND AND PERSONAL KNOWLEDGE AND IF CALLED AS A WITNESS TO TESTIFY BEFORE ANY COURT OR PANEL BEFORE IT TAKES AN OATH, I AM COMPETENT TO STATE THE SAME HEREIN.

AFFIANT FURTHER SAYETH NOT —

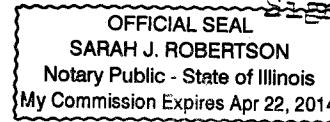
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 10 DAY OF July, 2012

Sarah J. Robertson
Notary public

Respectfully submitted

Sarah J. Robertson
Signature



UNSWORN DECLARATION UNDER PENALTY OF PERJURY:

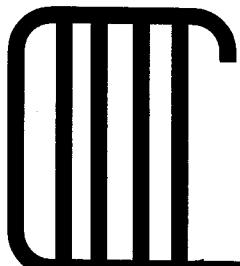
I declare (or certify, verify, or state) under the penalty of perjury, that I have read and do understand the foregoing affidavit and that the information contained therein is true and correct so help me God. Executed within the united states this _____ day of _____ 19____ pursuant to title 28 U.S.C. sec. 1746; 18 U.S.C. sec. 1621.

Signature

Witness

Exhibit E

38



**Illinois
Department of
Corrections**

**James R. Thompson Center
100 W. Randolph Street, Suite 4-200
Chicago, IL 60601**

**S. A. Godinez
Director**

**Telephone: (312) 814-3017
TDD: (800) 526-0844**

Mr. Joseph Wilborn R17937
Tamms Correctional Center
PO Box 400
Tamms, IL 62988
July 17th 2012

Mr. Wilborn:

I have reviewed your correspondence to me dated 6/18/12 as well as your correspondence to Governor Quinn that was forwarded to me. It appears to me that your shoulder injury has been stabilized and that you have received appropriate follow up by the providers at the facility.

Should you continue to be dissatisfied you will need to register your complaints through the grievance process.

A handwritten signature in cursive ink that reads "Louis Shicker".

Louis Shicker MD
Agency Medical Director

Cc: Ms. Debbie Denning, Chief of Programs
Warden Lambert, Tamms Correctional Center
Ms. Nigel Vinyard, HCUA Tamms CC
Dr. Marvin Powers, Medical Director Tamms CC
Mr. Charles Fasano, OHS Medical Coordinator
Ms. Lisa Prather, OHS Regional Nurse Coordinator
Dr. Roderick Matticks, Regional Medical Director Wexford Health Sources

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Health Status Transfer Summary

50 OF 50
Exhibit F

Transferring Facility:

TAMMS CORRECTIONAL Center

Offender Information:

Willbourn Green

Last Name

First Name

ID#: R17937

MI

Date: 07.29.11

Time:

915

 a.m. p.m.

Transfer Screening (completed by transferring facility health care staff):

Allergies: PCN

Food Handler Approved:

N/A

Current / Acute Conditions / Problems: S/P dislocation (Dislocation at shoulder)

Chronic Conditions / Problems:

Current Medications (name, dosage, frequency, and duration):

Acute Short-term:

Chronic Long-term:

Chronic Psychotropic:

Current Treatments:

Therapeutic Diets:

Follow-Up Care:

Chronic Clinics:

Specialty Referrals:

Significant Medical History: Hx of dislocated at shoulder 4/94

Physical Disabilities / Limitations: Visual acuity

Assistive Devices / Prosthetics:

Mental Health Issues: Hx Suicide Attempt: Date: / / Hx Psych Med Hx MPC / STCSubstance Abuse: Alcohol DrugsR & C Use Only: LAB EKG CXR Dental MEDS MH Other: Packet Complete

Leslie J.

Print Name and Title

Julie J.

07.29.11

Date

Signature

Reception Screening (completed by receiving facility health care staff):

Facility: Tamms MAX Security

Date: 07.29.11 Time: 455 pm a.m. p.m.

Subjective:

Current Complaint: Vicedo

Assessment:

Medical Furlough Return

Current Medications/Treatment: O Meds. (R arm in sling & swath. Received tetanus in 10/02)

Plan: Disposition:

- Health Information Given Emergency Referral: _____
- Sick Call: Urgent / Routine Therapeutic Diet Special Housing Chronic Clinics
- Medication Evaluation Work / Program Limitation Specialty Referrals Other (specify): _____
- Infirmary Placement: Cell #2 on Security Hold Other (specify): _____

T: 99' P: 88 R: 116 B/P: 125, 78

Julie Klein LPN

Printed Name and Title

Julie Klein LPN

7.29.11

Date

Signature

For adult transition center transfers only:

I understand that medical and dental care are my responsibility while I am housed in a transition center. I also understand that if I am in need of health care and I cannot afford to pay for it, I may be transferred back into a facility within the Department that can provide my medical, mental health, or dental needs.

 a.m. p.m.Distribution: Offender's Medical Record; Transferring Facility;
Receiving Facility

Printed on Recycled Paper

Hx of Dislocation

Hx of S...

DOC 0090 (Eff. 9/2002)
(Replaces DC 873)